



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

February 28, 2018

Alan Downer  
Administrator, Hawaii State Historic Preservation Office  
Kakuhihewa Building  
601 Kamokila Blvd., Suite 555  
Kapolei, Hawaii 96707

RE: U.S. Environmental Protection Agency Region 9 authorization to allow the County of Hawaii to initiate consultation with the State Historic Preservation Officer and Native Hawaiian organizations for the Pahala Community Large Capacity Cesspool Replacement Project

Dear Dr. Downer:

The U.S. Environmental Protection Agency Region 9 (EPA) awarded a Special Appropriation Act project grant to the County of Hawaii for the Pahala Community Large Capacity Cesspool (LCC) Replacement Project. This project may have effects on properties included in, or eligible for inclusion in, the National Register of Historic Properties. The National Historic Preservation Act (NHPA), 54 U.S.C. §300101 *et seq.*, and its implementing regulations, 36 CFR Part 800, require federal agencies to consider the effects of their undertakings on historic properties.

Pursuant to 36 CFR §800.2(c)(4), a Federal agency may authorize an applicant for federal assistance to initiate consultation with the State Historic Preservation Officer (SHPO) or Native Hawaiian organizations and others, provided that: (1) the Federal agency remains legally responsible for all findings and determinations charged to the agency official; and (2) the Federal agency notifies the SHPO or Native Hawaiian organizations when an applicant is so authorized.

In accordance with 36 CFR §800.2(c)(4), EPA hereby authorizes the County of Hawaii to act on EPA's behalf when initiating the NHPA consultation process in connection with the Pahala Community LCC Replacement Project. Effective immediately, the County of Hawaii may consult with the SHPO and Native Hawaiian organizations in the State of Hawaii and other relevant parties to initiate the review process under 36 CFR Part 800 including identifying and evaluating historic properties, assessing effects, and proposing mitigation measures where necessary. However, EPA Region 9 will remain responsible for participating in the consultation process if:


- the County of Hawaii determines that the "Criteria of Adverse Effect" under 36 CFR §800.5 applies to this project; or
- there is disagreement between the County of Hawaii and the SHPO or Native Hawaiian organizations regarding the scope of the area of potential effects, identification of historic properties, or evaluation of effects; or

- there is an objection from consulting parties or the public regarding findings or determinations or the implementation of agreed provisions; or
- there is potential for a foreclosure situation or intentional adverse effects as described under 36 CFR §800.9(b) and (c).

In accordance with 36 CFR §800.2(c)(2), EPA shall ensure that all consultations with Native Hawaiian organizations are conducted in a sensitive manner concerning the needs of such organizations.

If you have any questions, please contact Kate Rao, Drinking Water Protection Section, at (415) 972-3533 or via email at [rao.kate@epa.gov](mailto:rao.kate@epa.gov).

Sincerely,

  
Tomás Torres for  
Water Division Director

cc: William Kurcharski, County of Hawaii  
Dora Beck, County of Hawaii  
Craig Levken, Brown and Caldwell  
Earl Matsukawa, Wilson Okamoto Corporation  
John Sakaguchi, Wilson Okamoto Corporation  
David Shideler, Cultural Surveys Hawaii, Inc.